

## Amendments to the Claims

This Listing of Claims replaces all prior versions and listings of claims in the application:

### Listing of Claims

1.(Currently Amended) A structure having a fire resistance rated, area separation wall ~~rated for two hours at about 75% design load~~, said structure comprising:

- (a) a first building unit;
- (b) a second building unit; and
- (c) ~~a two-hour fire resistance rated~~, an area separation wall rated for two hours at about 75% design load having only outer membranes and including a thermal insulation barrier between said outer membranes; said area separation wall further includes a tying structure having a double top plate assembly for connecting said fire resistance rated, area separation wall to said first unit and said second unit wherein one of the top plates is attached to the top edge of said area separation wall.

2.(Previously Amended) The structure according to Claim 1, wherein said double top plate assembly includes a pair of double top plates.

3.(Previously Amended) The structure according to Claim 2, wherein said tying structure includes a bottom plate attached to the bottom edge of said fire resistance rated, area separation wall.

4.(Cancelled)

5.(Previously Amended) The structure according to Claim 3, wherein one of said double top plates and said bottom plate are less than about 10 feet apart.

6.(Original) The structure according to Claim 1, wherein said first building unit is an occupiable space.

7.(Original) The structure according to Claim 6, wherein said occupiable space is residential.

8.(Original) The structure according to Claim 7, wherein said residential occupiable space is a town home.

9.(Original) The structure according to Claim 1, wherein said second building unit is an occupiable space.

10.(Original) The structure according to Claim 9, wherein said occupiable space is residential.

11.(Original) The structure according to Claim 10, wherein said residential occupiable space is a town home.

12.(Currently Amended) A two-hour fire resistance rated, area separation wall ~~rated for two hours at about 75% design load~~ for a structure, said area separation wall comprising:

- (a) an interior support structure;
- (b) only an outer membrane on each side of said interior support structure;  
and
- (c) a substantially organic thermal insulation barrier between said outer membranes; said area separation wall rated for two hours at about 75% design load and further includes including a tying structure having a double top plate assembly for connecting said fire resistance rated, area separation wall to said first unit and said second unit wherein one of the top plates is attached to the top edge of said area separation wall.

13.(Original) The area separation wall according to Claim 12, wherein said interior support structure includes at least two structurally independent interior support members.

14.(Original) The area separation wall according to Claim 13, wherein said structurally independent interior support members include a plurality of vertical members.

15.(Original) The area separation wall according to Claim 14, wherein said plurality of vertical members are spaced apart.

16.(Original) The area separation wall according to Claim 15, wherein said plurality of vertical members are spaced apart no more than about 16 inches.

17.(Original) The area separation wall according to Claim 14, wherein said plurality of vertical members further include cross bracing at about the mid height of said plurality of vertical members.

18.(Original) The area separation wall according to Claim 13, further including a physical gap between said structurally independent interior support members.

19.(Original) The area separation wall according to Claim 12, wherein each of said outer membranes are fire resistant wallboard.

20.(Previously Amended) The area separation wall according to Claim 19, wherein said fire resistant wallboard is a gypsum wallboard (GWB).

21.(Previously Cancelled).

22.(Original) The area separation wall according to Claim 12, wherein said substantially organic thermal insulation barrier is selected from the group consisting of fibrous material, granular material, pellet material, aggregated material, agglomerated material and mixtures thereof.

23.(Original) The area separation wall according to Claim 12, wherein said substantially organic thermal insulation barrier is a natural material.

24.(Original) The area separation wall according to Claim 23, wherein said natural material is cellulosic.

25.(Original) The area separation wall according to Claim 12, wherein said substantially organic thermal insulation barrier is an acoustically non-conductive material.

26.(Currently Amended) A structure having a fire resistance rated, area separation wall ~~rated for two hours at about 75% design load~~, said structure comprising:

- (a) a first building unit;
- (b) a second building unit; and
- (c) ~~a two-hour fire resistance rated~~, an area separation wall rated for two hours at about 75% design load having only outer membranes, said area separation wall including: (i) an interior support structure; (ii) only an outer membrane on each side of said interior support structure; and (iii) a substantially organic thermal insulation barrier between said outer membranes; and
- (d) a tying structure having double top plate assembly for connecting said fire resistance rated, area separation wall to said first unit and said second unit wherein one of the top plates is attached to the top edge of said area separation wall.

27.(Previously Amended) The structure according to Claim 26, wherein said tying structure includes a bottom plate attached to the bottom edge of said fire resistance rated, area separation wall.

28.(Cancelled)

29.(Previously Amended) The structure according to Claim 27, wherein one of said double top plates and said bottom plate are less than about 10 feet apart.

30.(Original) The structure according to Claim 26, wherein said first building unit is an occupiable space.

31.(Original) The structure according to Claim 30, wherein said occupiable space is residential.

32.(Original) The structure according to Claim 31, wherein said residential occupiable space is a town home.

33.(Original) The structure according to Claim 26, wherein said second building unit is an occupiable space.

34.(Original) The structure according to Claim 33, wherein said occupiable space is residential.

35.(Original) The structure according to Claim 34, wherein said residential occupiable space is a town home.

36.(Original) The structure according to Claim 26, wherein said interior support structure includes at least two structurally independent interior support members.

37.(Original) The structure according to Claim 36, wherein said structurally independent interior support members include a plurality of vertical members.

38.(Original) The structure according to Claim 37, wherein said plurality of vertical members are spaced apart.

39.(Original) The structure according to Claim 38, wherein said plurality of vertical members are spaced apart no more than about 16 inches.

40.(Original) The structure according to Claim 37, wherein said plurality of vertical members further include cross bracing at about the mid height of said plurality of vertical members.

41.(Original) The structure according to Claim 39, further including a physical gap between said structurally independent interior support members.

42.(Original) The structure according to Claim 26, wherein each of said outer membranes is a fire resistant wallboard.

43.(Previously Amended) The structure according to Claim 42, wherein said fire resistant wallboard is a gypsum wallboard (GWB).

44.(Previously Cancelled).

45.(Original) The structure according to Claim 26, wherein said substantially organic thermal insulation barrier is selected from the group consisting of fibrous material, granular material, pellet material, aggregated material, agglomerated material and mixtures thereof.

46.(Original) The structure according to Claim 26, wherein said substantially organic thermal insulation barrier is a natural material.

47.(Original) The structure according to Claim 46, wherein said natural material is cellulosic.

48.(Original) The structure according to Claim 26, wherein said substantially organic thermal insulation barrier is an acoustically non-conductive material.